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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,813	02/28/2002	Steven James Wojcik	KCX-450 (16960)	2378

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EXAMINER	
HAUGLAND, SCOTT J	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
10/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/085,813	WOJCIK ET AL.	
	Examiner	Art Unit	
	Scott Haugland	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *71-106 and 108-116* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *71-106 and 108-116* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the appeal brief filed on 7/31/08, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654.

Appeal Brief

It is noted that the appeal brief filed 7/31/08 is defective because the paragraph numbers referred to in the description of the claimed subject matter (section 5) are not present in the specification.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 71-106 and 108-116 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 61-84 of copending Application No. 11/931,066, claims 1-27 of copending Application No. 11/799,043, or claims 1-34 of copending Application No. 11/930,977. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims include the subject matter of the claims of this application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 71-75, 77, 83, 84, 87, 90-99, 101, 103-106, and 108-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little (U.S. Pat. No. 1,648,990) in view of Nistri et al (U.S. Pat. No. 4,583,698) and Kammann (U.S. Pat. No. 5,437,417).

Little discloses a winder for web comprising a web transport apparatus including a conveyor belt 12 and a plurality of winding modules (13, etc.) positioned along the web transport apparatus. Each winding module comprises a mandrel 19 and a positioning apparatus (18, 21, etc.) in operative association with the mandrel configured to move the mandrel into and out of engagement with the conveyor belt.

Little does not disclose that the mandrel is in operative association with a driving device for center driving the mandrel or that each mandrel extends across the web transport apparatus from a first side to a second side.

Nistri et al teaches making winding mandrels 13 extend a web transport apparatus 9 from a first to a second side, teaches using a vacuum conveyor 9 and vacuum roll 8 to feed and facilitate threading of a web in a winder, teaches winding

tissue web unwound from a parent roll, and teaches placing a core 11 on a winding mandrel 13.

Kammann teaches providing a web winder with a driving device in operative association with a mandrel of a winding module for center driving and rotating the mandrel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each mandrel in Little extend across the web transport apparatus from a first side to a second side as taught Nistri et al to permit winding of wide unslit webs. It would have been obvious to provide Little with a driving device for center driving the mandrel as taught by Kammann to provide greater control over the winding process to permit improved winding of different webs.

With regard to claim 73, the drive taught by Kammann would inherently brake the belt and mandrels at times during operation.

With regard to claim 75, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Little with a vacuum conveyor for feeding the web to the winding modules as taught by Nistri et al to maintain feeding engagement with the web and to facilitate threading through the winding apparatus.

With regard to claim 84, it would have been obvious to position the winding modules at the end of a tissue machine to for tissue rolls.

With regard to claim 87, it would have been obvious to at least three winding modules that operate in different stages as taught by Nistri et al to ensure continuous operation of the winder.

With regard to claim 91, it would have been obvious to supply tissue from a parent roll to the winding mandrels as taught by Nistri to form smaller tissue rolls.

With regard to claim 92, it would have been obvious to provide a core on the mandrels as taught by Nistri et al to facilitate attachment of web and removal of the wound product.

With regard to claim 108, it would have been obvious to duplicate parts of the winder of Little to simultaneously wind more than two slits to increase production capacity.

With regard to claim 109, it would have been obvious to accelerate the mandrel prior to forming the nip to prevent damage to the web and belt.

Claims 76 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Nistri et al and Kammann as applied to claim 71 above, and further in view of Menz et al (doc. no. WO 98/52857).

Little does not disclose that the web transport apparatus that is an electrostatic belt.

Menz et al teaches using an electrostatic belt (in lieu of rollers 3, 4) to feed web material (page 6, third full paragraph; col. 3, lines 24-29 of corresponding US Pat. No. 6,264,132).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Little with a web transport apparatus in the form of an

electrostatic belt as taught by Menz et al to provide more positive gripping and feeding of the web.

Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Nistri et al and Kammann as applied to claim 71 above, and further in view of Diltz (U.S. Patent No. 3,869,095).

Little does not disclose a vacuum supplied mandrel.

Diltz teaches providing a winding apparatus with vacuum supplied mandrels 40, 41 for attaching a leading end of web to be wound to the cores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Little with vacuum supplied mandrels as taught by Diltz to attach web to the cores without the need for adhesive.

Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Nistri et al and Kammann as applied to claim 71 above, and further in view of Pretto et al (U.S. Patent No. 5,379,964).

Little does not disclose that the mandrels are made of a carbon fiber composite.

Pretto et al teaches forming a web winding mandrel of a carbon fiber composite to provide a lightweight mandrel having high strength and stiffness.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the mandrels of Little of a carbon fiber composite as taught by Pretto et al to make them light weight with high strength and stiffness.

Claims 80 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Nistri et al and Kammann as applied to claim 71 above, and further in view of Dowd (U.S. Patent No. 4,133,495).

Little does not disclose a tail sealing apparatus.

Dowd teaches providing a web winding apparatus with a tail sealing apparatus to prevent unwinding of an outer end of a web from a finished roll.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Little with a tail sealing apparatus as taught by Dowd to prevent unwinding of an outer end of the web from a completed product roll.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Nistri et al and Kammann as applied to claim 71 above, and further in view of Urban (U.S. Patent No. 4,988,052).

Little does not disclose applying adhesive to the web prior to engagement with one of the winding modules.

Urban teaches applying adhesive to the leading end and trailing end of web 7 being wound before it engages winding modules 4, 5, 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply adhesive to the web in Little prior to engagement with one of the winding modules as taught by Urban to facilitate attachment of the web to the modules and initiation of winding.

Claims 82, 85, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Nistri et al and Kammann as applied to claim 71 above, and further in view of Dusenbery (U.S. Pat. No. 4,208,019).

Little does not disclose a core loading or product stripping apparatus.

Dusenbery teaches providing a winding apparatus with a core loading and product stripping apparatus.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Little with a core loading and product stripping apparatus as taught by Dusenbery to reduce manual labor required to operate the apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJH/
10/23/08
/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654